

**Introduced by Senator Johnston**

February 20, 1997

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An act to add Section 11440.60 to the Government Code, relating to administrative law.

LEGISLATIVE COUNSEL'S DIGEST

SB 504, as introduced, Johnston. Administrative law: written communication.

Existing law imposes requirements on adjudicative proceedings of state agencies.

This bill would require that any person submitting a written communication, as defined, to a state agency, in a quasi-judicial proceeding, as defined, that is directly paid for by anyone other than the person submitting the written communication, clearly indicate any person who paid for at least \$5,000 or 5% of the cost of producing the written communication, whichever is higher. The bill would prohibit a state agency from accepting a written communication submitted by an attorney or any other representative on behalf of a client in a quasi-judicial proceeding, unless the written communication clearly indicates the client.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11440.60 is added to the
- 2 Government Code, to read:

1 11440.60. (a) For purposes of this section, the  
2 following terms have the following meaning:

3 (1) “Quasi-judicial proceeding” means any of the  
4 following:

5 (A) A proceeding to determine the rights or duties of  
6 a person under existing laws, regulations, or policies.

7 (B) A proceeding involving the issuance, amendment,  
8 or revocation of a permit or license.

9 (C) A proceeding to enforce compliance with existing  
10 law or to impose sanctions for violations of existing law.

11 (D) A proceeding at which action is taken involving  
12 the purchase or sale of property, goods, or services by an  
13 agency.

14 (E) A proceeding at which an action is taken awarding  
15 a grant or a contract.

16 (2) “Written communication” means any report,  
17 study, survey, analysis, letter, or any other written  
18 document.

19 (b) Any person submitting a written communication  
20 to a state agency in a quasi-judicial proceeding that is  
21 directly paid for by anyone other than the person who  
22 submitted the written communication shall clearly  
23 indicate any person who paid for at least five thousand  
24 dollars (\$5,000) or 5 percent of the cost of producing the  
25 written communication, whichever is higher.

26 (c) A state agency shall not accept a written  
27 communication submitted by an attorney or any other  
28 authorized representative on behalf of a client in a  
29 quasi-judicial proceeding, unless the written  
30 communication clearly indicates the client on whose  
31 behalf the communication is submitted to the state  
32 agency.

